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SUBJECT: HAITI -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Haiti of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Haiti and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Haiti of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Haiti,s country narrative in the 2009 TIP Report:

Haiti (Special Case)

Haiti has had a weak government since widespread violence and political instability led to the resignation of the president in 2004. National elections in 2006 elected a president and a Parliament that replaced an appointed interim government, but the effectiveness of state institutions remained severely limited. Civil unrest in April 2008 left the country without a government for five months. The Government of Haiti,s ability to provide basic services and security for citizens, and to control rampant crime in the capital, Port-au-Prince, continues to be compromised by limited resources, an untrained and poorly equipped police force, entrenched government corruption, and perennially weak government institutions. The UN Stabilization Mission in Haiti (MINUSTAH) continued to maintain more than 6,950 troops and 1,900 police throughout the country to provide security. Haiti remains a Special Case for the fourth consecutive year as the new government formed in September 2008 has not yet been able to address the significant challenges facing the country, including human trafficking. The U.S. government, however, notes the progress of Haiti,s government, and urges the Government of Haiti to take immediate action to address its serious trafficking-in-persons problems. The following background and recommendations are provided to guide government officials.

Scope and Magnitude

Haiti is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Haitian women, men, and children are trafficked into the Dominican Republic, The Bahamas, the United States, Europe, Canada, and Jamaica for exploitation in domestic service, agriculture, and construction. Trafficked Dominican women and girls are forced into prostitution. Some may be patronized by UN peacekeepers in Haiti, although MINUSTAH is implementing programs among its personnel to suppress this practice. Several NGOs noted a sharp increase in the number of Haitian children trafficked for sex and labor to the Dominican Republic and The Bahamas during 2008. The majority of trafficking cases are found among the estimated 90,000 to 300,000 restaveks in Haiti, and the 3,000 additional restaveks who are trafficked to the Dominican Republic. Poor, mostly rural families send their children to cities to live with relatively wealthier &host8 families, whom they expect to provide the children with food, shelter, and an education in exchange for domestic work. While some restaveks are cared for and sent to school, most of these children are subjected to involuntary domestic servitude. These restaveks, 65 percent of whom are girls between the ages of six and 14, work excessive hours, receive no schooling or payment and are often physically and sexually abused. Haitian labor laws require employers to pay domestic workers over the age of 15, so many host families dismiss restaveks before they reach that age. Dismissed and runaway restaveks make up a significant proportion of the large population of street children, who frequently are forced to work in prostitution or street crime by violent criminal gangs. Women and girls from the Dominican Republic are trafficked into Haiti for commercial sexual exploitation.

Some of the Haitians who voluntarily migrate to the Dominican Republic, The Bahamas, the United States, and other Caribbean nations, subsequently face conditions of forced labor on sugar-cane plantations, and in agriculture and construction.

Government Efforts

Haitian officials recognize that human trafficking is a serious problem in the country, including the exploitation of restavek children as domestic servants. As a policy matter, however, the national police child protection unit, the Brigade for the Protection of Minors (BPM), does not pursue restavek trafficking cases because there is no statutory penalty against the practice. Haitian law also does not specifically prohibit trafficking in persons, which limits its ability to punish traffickers and protect victims. It did shut down a number of unregistered orphanages whose residents were believed to be vulnerable to trafficking. The Ministry of Social Affairs and Labor (MAST) should make every effort to complete its revision of and resubmit to Parliament its comprehensive anti-trafficking bill; Parliament should consider it, and then pass a law prohibiting all forms of human trafficking. Until then, authorities could begin to enforce existing criminal statutes penalizing slavery, kidnapping, forced prostitution and forced labor to prosecute trafficking offenses. Judges, police, and prosecutors throughout the country need additional anti-trafficking training before they can effectively prosecute and punish trafficking offenders. Lacking its own resources, the government cooperates with numerous NGOs to assist victims and to train officials about trafficking issues. Haitian immigration officers working with MINUSTAH proactively identified potential child trafficking victims at airports and the border with the Dominican Republic. The Office of National Identification, with technical assistance from the Organization of American States and the Government of Canada, began to provide national identity cards to persons who reached the legal voting age since the last election. It continued to provide birth certificates to citizens who had not previously been issued official identity documents. The government does not follow systematic victim identification procedures, though Haitian authorities work closely with NGOs to refer identified victims -- primarily children -- and coordinate protective services as needed. Shelter services for adult trafficking victims do not exist, and the government should make every effort to open or support facilities which could provide men and women with appropriate assistance.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a

showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and

traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1. Why is Haiti included in the Report as a Special Case again?

¶A. Haiti has had a weak government since widespread violence and political instability led to the resignation of the president in 2004. The Government of Haiti's ability to provide basic services and security for citizens, and to control rampant crime in the capital, Port-au-Prince, continues to be compromised by limited resources, an untrained and poorly equipped police force, entrenched government corruption, and perennially weak government institutions. Haiti remains a Special Case for the fourth consecutive year as the new government formed in September 2008 has not yet been able to address the significant challenges facing the country, including human trafficking.

Q2. What is the nature of Haiti's trafficking problem?

¶A. Haiti is a source, transit, and destination country for men, women, and children trafficked for purposes of forced labor and sexual exploitation. Haitian women, men and children are trafficked into the Dominican Republic, the Bahamas, the U.S., Europe, Canada and Jamaica for exploitation in domestic service, agriculture, and construction. Trafficked Dominican women and girls are forced into prostitution. The majority of trafficking cases are found among the estimated 90,000 to 300,000 restaveks in Haiti, and the 3,000 additional restaveks who are trafficked to the Dominican Republic. Some of the Haitians who voluntarily migrate to the Dominican Republic, The Bahamas, the United States, and other Caribbean nations, subsequently face conditions of forced labor on sugar-cane plantations, and in agriculture and construction.

Q3. How can Haiti improve its anti-trafficking efforts?

¶A. The government could pass and enact a comprehensive anti-trafficking law, which includes stringent penalties prescribed for abusing and exploiting restaveks; enforce existing criminal statutes penalizing slavery, kidnapping, forced prostitution and forced labor to prosecute trafficking-related offenses; develop and implement systematic procedures to identify victims, to refer victims to NGOs providing protective services, and to coordinate protective services; and make every effort to open or support facilities which could provide men and women with appropriate assistance.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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